# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/778,831 | 02/08/2001 | Shigeo Nara | 35.G2745 | 6794 |

| | | | EXAMINER |
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| 5514 | 7590 | 01/12/2006 | SAX, STEVEN PAUL |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2174 | |

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
| | 09/778,831 | NARA, SHIGEO |
| | Examiner | Art Unit |
| | Steven P Sax | 2174 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _28 October 2005_.

2a)☐ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☐ Claim(s) _1-3,6-19,22-33,40-48,50 and 51_ is/are pending in the application.

　　4a) Of the above claim(s) _51_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,6-19,22-33,40-48 and 50_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All  b)☐ Some * c)☐ None of:

　　1.☒ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

## DETAILED ACTION

1.     This application has been examined.  The RCE and amendment filed 10/28/05

have been entered.

2.     Newly submitted claim 51 is directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons:

 

    I.      Claims 1-3, 6-19, 22-33, 40-48, 50, are drawn to information processing

           apparatus for displaying update information of a peripheral device,

           classified in class 715, subclass 734.

    II.     Claim 51, is drawn to a timed booting system, classified in class 713,

           subclass 2.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together

in a single combination.  The subcombinations are distinct from each other if they are

shown to be separately usable.  In the instant case, invention I has separate utility such

as updating information of a peripheral device.  See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction

for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

3.    Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 51 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.    Claims 1-3, 6-19, 22-33, 40-48, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al (6670974) and Wanderski (6147687) and Baker et al (6297821).

6.      Regarding claim 1, McKnight et al show the processing apparatus capable of

activating an application for displaying on a display screen information for a peripheral

device on a communication link (abstract, column 2 lines 35-50), including: storage

means for storing device information of a peripheral device on a communication link in

resident memory (column 5 lines 15-25), obtaining means for obtaining status

information of the device through the communication link when the application is

activated (column 6 lines 10-35), first display control means for displaying on the display

screen status information of the device on the communication link according to the

information stored in the storage means (column 5 lines 20-35), and a second display

control means for updating the content of the information displayed by the first control

means according to the device status information obtained (column 6 lines 25-40 and

55-67, column 7 lines 25-45).  McKnight et al do not specifically state that the

information stored in the storage means is necessarily displayed before the obtaining

means completes obtaining the status information, but does mention efficient displaying

and updating of information to the user on a user interface.  Furthermore, Wanderski

does teach displaying the older information such as that stored in the storage means

before the obtaining means completes obtaining the updated information (column 8

lines 5-15, 19-45, column 10 lines 20-47) for efficient displaying and updating of

information to the user on a user interface.  It would have been obvious to a person with

ordinary skill in the art to have this in McKnight et al, because it would provide an

efficient way to display and update information to a user on a user interface.  Note that

the claim recites "status" or "alert" information in alternative form, so status information

fulfils the claim. McKnight et al and Wanderski may not go into the specific details that the second display is updated in response to a 'completion' process per se of obtaining the status or alert information, but both do mention efficient displaying and notifying of update information to a user. Furthermore, Baker et al do show updating a second display after a completion of obtaining status or alert information, to efficiently display and notify a user of update information (Figures 5, 6A, 7, column 4 lines 25-49, column 6 lines 25-63, column 8 lines 25-54). It would have been obvious to a person with ordinary skill in the art to modify McKnight et al, especially even with the already modified feature from Wanderski, to display the updated information after a completion of obtaining the status or alert, because it would allow efficient display and notification to a user of update information, in a system that displays previous and then updated information.

7.     Regarding claim 2, the obtaining means obtains information of the peripheral device from a storage on the peripheral device (McKnight et al Figure 10, column 5 lines 1-20).

8.     Regarding claim 3, the peripheral device is a printer (McKnight et al column 7 lines 1-10).

9.     Regarding claim 4, the information is obtained related to the peripheral device from the connected computer (McKnight et al column 7 lines 10-24).

10.     Regarding claim 5, the information is obtained from a management apparatus on

the communication link (McKnight et al column 7 lines 30-35).


11.     Regarding claim 6, the information of the device on the communication link

stored in the storage means is updated on the network (McKnight et al column 7 lines

35-47).


12.     Regarding claim 7,  the second display control means displays a progress of

obtaining information (McKnight et al column 8 lines 1-19).


13.     Regarding claim 8, status information that is changed is displayed in the second

control means in a predetermined display form (McKnight et al column 8 lines 45-60).


14.     Regarding claim 9, status information of each device is sequentially obtained in

an order based on predetermined condition (McKnight et al column 8 lines 35-46).


15.     Regarding claim 10, the condition may be externally predetermined via a

registration means (McKnight et al column 8 lines 59-67 and column 9 lines 1-20).


16.     Regarding claim 11, information determined to not be dynamic is displayed in the

first means (McKnight et al column 9 lines 5-30).

17.    Regarding claim 12, the second display control means updates the information

displayed by the first display control means according to dynamic information obtained

(McKnight et al column 7 lines 50-67 and column 8 lines 1-13).


18.    Regarding claim 13, the second display control means changes a form of a

symbol of information displayed in the first means according to the dynamic information

(McKnight et al Figures 2-4).


19.    Regarding claim 14, the dynamic information includes information related to a

state of expendables for the device (McKnight et al column 9 lines 15-41).


20.    Regarding claim 15, the dynamic information includes error information

(McKnight et al column 10 lines 15-26 and column 9 lines 1-21).


21.    Regarding claim 16, the dynamic information includes information as to whether

the device is in use (McKnight et al column 9 lines 1-27).


22.    Regarding claim 17, McKnight et al show the processing method capable of

displaying on a display screen information for a peripheral device on a communication

link when an application is activated (abstract, column 2 lines 35-50, column 6 lines 10-

30), including: reading device information of a peripheral device on a communication

link from resident memory (column 5 lines 15-25), obtaining information of the device

through the communication link when the application is activated (column 6 lines 10-35),

displaying on the display screen information of the device on the communication link

according to the information read from the resident memory (column 5 lines 20-35), and

updating the content of the information displayed by the first control means according to

the device information obtained (column 6 lines 25-40 and 55-67, column 7 lines 25-45).

McKnight et al do not specifically state that the information read from the resident

memory is necessarily displayed before obtaining the information is completed, but

does mention efficient displaying and updating of information to the user on a user

interface.  Furthermore, Wanderski does teach displaying the older information such as

that read from the resident memory before obtaining the updated information is

completed (column 8 lines 5-15, 19-45, column 10 lines 20-47) for efficient displaying

and updating of information to the user on a user interface.  It would have been obvious

to a person with ordinary skill in the art to have this in McKnight et al, because it would

provide an efficient way to display and update information to a user on a user interface.

McKnight et al and Wanderski may not go into the specific details that the second

display is updated in response to a 'completion' process per se of obtaining the status

or alert information, but both do mention efficient displaying and notifying of update

information to a user.  Furthermore, Baker et al do show updating a second display after

a completion of obtaining status or alert information, to efficiently display and notify a

user of update information (Figures 5, 6A, 7, column 4 lines 25-49, column 6 lines 25-

63, column 8 lines 25-54).  It would have been obvious to a person with ordinary skill in

the art to modify McKnight et al, especially even with the already modified feature from Wanderski, to display the updated information after a completion of obtaining the status or alert, because it would allow efficient display and notification to a user of update information, in a system that displays previous and then updated information.

23.    Regarding claim 18, the obtaining means obtains information of the peripheral device from a storage on the peripheral device (McKnight et al Figure 10, column 5 lines 1-20).

24.    Regarding claim 19, the peripheral device is a printer (McKnight et al column 7 lines 1-10).

25.    Regarding claim 20, the information is obtained related to the peripheral device from the connected computer (McKnight et al column 7 lines 10-24).

26.    Regarding claim 21, the information is obtained from a management apparatus on the communication link (McKnight et al column 7 lines 30-35).

27.    Regarding claim 22, the information of the device on the communication link stored in the storage means is updated on the network (McKnight et al column 7 lines 35-47).

28.     Regarding claim 23, the second display control means displays a progress of

obtaining information (McKnight et al column 8 lines 1-19).


29.     Regarding claim 24, status information that is changed is displayed in the second

control means in a predetermined display form (McKnight et al column 8 lines 45-60).


30.     Regarding claim 25, status information of each device is sequentially obtained in

an order based on predetermined condition (McKnight et al column 8 lines 35-46).


31.     Regarding claim 26, the condition may be externally predetermined via a

registration means (McKnight et al column 8 lines 59-67 and column 9 lines 1-20).


32.     Regarding claim 27, information determined to not be dynamic is displayed in the

first means (McKnight et al column 9 lines 5-30).


33.     Regarding claim 28, the second display control means updates the information

displayed by the first display control means according to dynamic information obtained

(McKnight et al column 7 lines 50-67 and column 8 lines 1-13).

34.    Regarding claim 29, the second display control means changes a form of a

symbol of information displayed in the first means according to the dynamic information

(McKnight et al Figures 2-4).


35.    Regarding claim 30, the dynamic information includes information related to a

state of expendables for the device (McKnight et al column 9 lines 15-41).


36.    Regarding claim 31, the dynamic information includes error information

(McKnight et al column 10 lines 15-26 and column 9 lines 1-21).


37.    Regarding claim 32, the dynamic information includes information as to whether

the device is in use (McKnight et al column 9 lines 1-27).


38.    Claim 33 recites the same features as claim 17 and is rejected for the same

reasons.


39.    Claims 40-48 recite the same features as claims 24-32 respectively and are

rejected for the same reasons as those claims respectively.


40.    Claim 49 shows the same features as claim 33 and is rejected for the same

reasons.

41.    Claim 50 shows the same features as claim 1 and is rejected for the same reasons.

42.    Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note though also that Wanderski does not teach away, and that each update on the spot may be considered a complete obtaining of information for that moment. Nevertheless, Baker et al make clear within the same motivation to have a final completion, even when there may be intermediate updates.
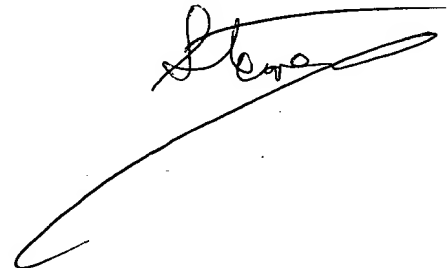
43.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


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